



MEMORANDUM  
Harvey Ruvin  
Clerk of the Circuit and County Courts  
Clerk of the Board of County Commissioners  
Miami-Dade County, Florida  
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LUDC  
Agenda Item No. 6(A)

TO: Honorable Chairman Jose "Pepe" Diaz  
and Members, Land Use and Development  
Committee

DATE: July 11, 2013

FROM: Christopher Agrippa, Division Chief  
Clerk of the Board Division

SUBJECT: Approval of Commission  
Committee Minutes

A handwritten signature in black ink, appearing to read "Chris Agrippa".

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Land Use and Development Committee:

June 13, 2013

Attachment  
CA/jm



## CLERK'S SUMMARY OF Meeting Minutes

Stephen P. Clark  
Government Center  
111 N.W. 1st Street  
Miami, FL 33128

### Land Use & Development Committee

Jose "Pepe" Diaz (12) Chair; Xavier L. Suarez (7) Vice Chair; Commissioners Lynda Bell (8), Barbara Jordan (1), and Audrey M. Edmonson (3)

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Thursday, June 13, 2013

9:30 AM

Commission Chambers

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**Members Present:** Lynda Bell, Jose "Pepe" Diaz, Barbara J. Jordan, Xavier L. Suarez.

**Members Absent:** None.

**Members Late:** Audrey M. Edmonson 9:51:00 AM.

**Members Excused:** None.

**Members Absent County Business:** None.

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#### 1 MINUTES PREPARED BY:

**Report:** *Judy Marsh, Commission Reporter, (305) 375-1967*

#### 1A INVOCATION AS PROVIDED IN RULE 5.05 (G)

**Report:** *The Invocation was presented by Commissioner Suarez.*

**1B**      **ROLL CALL**

**Report:** *The following staff members were present: Deputy Mayor /County Manager Alina Hudak; Deputy Mayor Jack Osterholt; Assistant County Attorneys Dennis Kerbel and Cynthia Johnson-Stacks; and Deputy Clerks Cynthia White and Judy Marsh.*

*Chairman Diaz called the meeting to order at 9:40 a.m.*

*Prior to the setting of today's (6/13) Committee agenda, Commissioner Suarez requested a Point of Order regarding an item relating to the proposed pedestrian/bicycle overpass project within Commission District 7. He noted he was recently visited by the affected property owners and requested the Committee members consider deferring this item for further briefing, unless this was an emergency.*

*Assistant County Attorney Dennis Kerbel clarified that Commissioner Suarez was referring to Agenda Item 3F, which was added to today's (6/13) agenda.*

*Deputy Mayor Jack Osterholt noted this item was under the jurisdiction of the Public Works and Waste Management Department.*

*Mr. Luis Lacau, Public Works and Waste Management Department, noted he was not familiar with the item; however, he would contact the appropriate staff.*

*It was moved by Commissioner Suarez that Agenda Item 3F be deferred. This motion was seconded by Commissioner Bell, and upon being put to a vote, passed by a vote of 4-0; (Commissioner Edmonson was absent).*

*Assistant County Attorney Kerbel advised that Agenda Item 1E1 was requested to be withdrawn; Agenda Items 2A Supplement, 2B Supplement, 2C Supplement, 2D, 2E and 3F were added to today's (6/13) agenda.*

*It was moved by Commissioner Jordan that the June 13, 2013 Land Use and Development Committee Agenda be approved, with the changes noted in County Commission Chairwoman Sosa's memorandum entitled "Requested Changes to the Land Use & Development Committee Agenda."*

*This motion was seconded by Chairman Diaz, and  
upon being put to a vote, passed by a vote of 4-0;  
(Commissioner Edmonson was absent).*

**1C      PLEDGE OF ALLEGIANCE**

**1D      SPECIAL PRESENTATIONS (SCHEDULED  
TO BEGIN AT 9:00 AM)**

**1E      PUBLIC HEARING**

1E1

130491    Ordinance

Lynda Bell

ORDINANCE RELATING TO ZONING AND TO RULES  
OF PROCEDURE OF COUNTY COMMISSION;  
PROVIDING CRITERIA FOR WAIVER OF ZONING  
HEARING FEES; PROVIDING FOR EXCEPTION TO  
COMMITTEE REQUIREMENT AND FOR AUTHORITY  
TO SPONSOR AGENDA ITEM; AMENDING SECTIONS 2-  
1 AND 33-309, CODE OF MIAMI-DADE COUNTY,  
FLORIDA; PROVIDING SEVERABILITY; INCLUSION IN  
THE CODE AND AN EFFECTIVE DATE

*Withdrawn*

*Mover: Jordan*

*Second: Diaz*

*Vote: 4-0*

*Absent: Edmonson*

**Report:**    *The foregoing proposed ordinance was withdrawn  
during consideration of changes to today's (6/13)  
Committee agenda.*

**2      COUNTY COMMISSION**

2A

**130412 Ordinance****Juan C. Zapata**

ORDINANCE CREATING AND ESTABLISHING THE WEST KENDALL (SECTION TWO) MUNICIPAL ADVISORY COMMITTEE; DIRECTING SUCH COMMITTEE TO STUDY THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE WEST KENDALL (SECTION TWO) AREA; WAIVING PORTIONS OF SECTIONS 2-11.38 AND 20-29(A) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SUNSET OF SUCH COMMITTEE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable recommendation*

*Mover: Suarez*

*Seconder: Bell*

*Vote: 4-0*

*Absent: Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record. He advised that the public hearing on this ordinance was held at the May 16, 2013 Land Use and Development Committee meeting.*

*Hearing no objection, the Committee considered the foregoing proposed ordinance and Agenda Items 2B, 2C and their supplements simultaneously.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.*

2A Supplement

**131228 Supplement**

REPORT REGARDING ORDINANCE CREATING AND ESTABLISHING THE WEST KENDALL MUNICIPAL ADVISORY COMMITTEE (SECTION TWO) PURSUANT TO SECTION 2-11.37 OF THE CODE

***Presented***

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed report into the record.*

2B

**130416 Ordinance****Juan C. Zapata**

ORDINANCE CREATING AND ESTABLISHING THE WEST KENDALL (SECTION ONE) MUNICIPAL ADVISORY COMMITTEE; DIRECTING SUCH COMMITTEE TO STUDY THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE WEST KENDALL (SECTION ONE) AREA; WAIVING PORTIONS OF SECTIONS 2-11.38 AND 20-29(A) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SUNSET OF SUCH COMMITTEE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable recommendation*

*Mover: Suarez*

*Seconder: Bell*

*Vote: 4-0*

*Absent: Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record. He advised that the public hearing on this ordinance was held at the May 16, 2013 Land Use and Development Committee meeting.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.*

2B Supplement

**131229 Supplement**

REPORT REGARDING ORDINANCE CREATING AND ESTABLISHING THE WEST KENDALL MUNICIPAL ADVISORY COMMITTEE (SECTION ONE) PURSUANT TO SECTION 2-11.37 OF THE CODE

*Presented*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed report into the record.*

Land Use & Development Committee

CLERK'S SUMMARY OF

Meeting Minutes

Thursday, June 13, 2013

2C

130484 Ordinance

Juan C. Zapata

ORDINANCE CREATING AND ESTABLISHING THE WEST KENDALL (SECTION THREE) MUNICIPAL ADVISORY COMMITTEE; DIRECTING SUCH COMMITTEE TO STUDY THE POSSIBLE CREATION OF A NEW MUNICIPALITY IN THE WEST KENDALL (SECTION THREE) AREA; WAIVING PORTIONS OF SECTIONS 2-11.38 AND 20-29(A) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SUNSET OF SUCH COMMITTEE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable recommendation*

*Mover: Suarez*

*Seconder: Bell*

*Vote: 4-0*

*Absent: Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record. He advised that the public hearing on this ordinance was held at the May 16, 2013 Land Use and Development Committee meeting.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.*

2C Supplement

131230 Supplement

REPORT REGARDING ORDINANCE CREATING AND ESTABLISHING THE WEST KENDALL MUNICIPAL ADVISORY COMMITTEE (SECTION THREE) PURSUANT TO SECTION 2-11.37 OF THE CODE

*Presented*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed report into the record.*

2D

## 131215 Resolution

Rebeca Sosa

RESOLUTION CREATING THE MIAMI-DADE SEA LEVEL RISE TASK FORCE; PROVIDING FOR MEMBERSHIP, ORGANIZATION AND PROCEDURES; SETTING FORTH PURPOSE, FUNCTION, RESPONSIBILITY, AND SUNSET PROVISION

*Forwarded to BCC with a favorable recommendation*

*Mover: Bell*

*Seconder: Suarez*

*Vote: 4-0*

*Absent: Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Commissioner Suarez observed that Ms. Blanca Mesa was actively involved with the sea level rise issue, and asked Deputy Mayor Jack Osterholt to consider having Ms. Mesa serve on the proposed Miami-Dade Sea Level Rise Task Force.*

*Chairman Diaz noted federal agencies were currently monitoring sea level rise, and he asked Deputy Mayor Osterholt to ensure that the County worked with its federal partners on this issue to avoid any fiscal impact to the County.*

*Hearing no further comments or questions, the Committee members proceeded to vote on the foregoing proposed resolution, as presented.*

2E

## 131227 Resolution

Rebeca Sosa

RESOLUTION DIRECTING THE MAYOR TO STUDY THE COMMUNITY ZONING APPEALS BOARDS TO DETERMINE WHETHER THERE IS A LACK OF CONSISTENCY AMONG THEIR DECISIONS, WHETHER ADDITIONAL REGULATIONS ARE NEEDED TO ADDRESS SUCH INCONSISTENCIES, WHETHER ADDITIONAL PROCEDURES ARE NEEDED TO ENSURE THAT COMMUNITY ZONING APPEALS BOARD MEMBERS ARE IN COMPLIANCE WITH MIAMI-DADE COUNTY'S ETHICS REGULATIONS, AND TO PROVIDE AN ANALYSIS OF THE COSTS ASSOCIATED WITH THE OPERATION OF THE COMMUNITY ZONING APPEALS BOARDS

*Forwarded to BCC with a favorable recommendation*

*Mover: Bell*

*Seconder: Suarez*

*Vote: 4-0*

*Absent: Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed resolution, as presented.*

**3 DEPARTMENT**

3A

**131008 Resolution****Dennis C. Moss**

RESOLUTION AUTHORIZING THE SALE OF A VACANT LAND PARCEL LOCATED AT NORTHEAST CORNER OF KENTUCKY STREET AND NW 9TH AVENUE IN FLORIDA CITY (FOLIO #16-7824-014-0204) IN THE AMOUNT OF \$18,500.00 TO THE FLORIDA CITY COMMUNITY REDEVELOPMENT AGENCY IN ACCORDANCE WITH FLORIDA STATUTE 125.38; AUTHORIZING THE WAIVER OF ADMINISTRATIVE ORDER 8-4 AS IT PERTAINS TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE EXECUTION OF COUNTY DEED FOR SUCH PURPOSE BY THE BOARD'S CHAIRPERSON; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY (Public Housing and Community Development)

*Forwarded to BCC with a favorable recommendation*

*Mover: Jordan*

*Seconder: Bell*

*Vote: 4-0*

*Absent: Edmonson*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed resolution, as presented.*

3B

**131168 Resolution****Xavier L. Suarez**

RESOLUTION GRANTING PETITION TO CLOSE SW 68 COURT, FROM SW 56 STREET (MILLER DRIVE) SOUTH FOR APPROXIMATELY 174 FEET (ROAD CLOSING PETITION NO. P-833) (Public Works & Waste Management)

*Forwarded to BCC with a favorable recommendation*

*Mover: Jordan*

*Seconder: Bell*

*Vote: 5-0*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed resolution, as presented.*

3C

**131162 Resolution****Lynda Bell**

RESOLUTION APPROVING "CONTRACT FOR SALE AND PURCHASE" OF APPROXIMATELY 5 ACRES IN THE CUTLER WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH MIAMI-DADE COUNTY AS PURCHASER AND NANCY E. HESTER AND MARTHA L. HESTER AS SELLER FOR A PURCHASE PRICE OF \$25,000.00; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONTAINED THEREIN (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation*

*Mover: Bell*

*Seconder: Edmonson*

*Vote: 5-0*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed resolution, as presented.*

3D

**131165 Resolution****Dennis C. Moss**

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 10 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND JOSE R. TORRENT, TRUSTEE OF THE JOSE R. TORRENT INTERVIVOS TRUST, AS SELLER FOR A PURCHASE PRICE OF \$30,400.00; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONTAINED THEREIN (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation*

*Mover: Bell*

*Seconder: Edmonson*

*Vote: 5-0*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed resolution, as presented.*

3E

**131189 Resolution****Dennis C. Moss**

RESOLUTION ACCEPTING "ASSIGNMENT OF OPTION TO PURCHASE" APPROXIMATELY 10 ACRES OF SOUTH DADE WETLANDS PROJECT WITHIN THE ENVIRONMENTALLY ENDANGERED LANDS PROGRAM ACQUISITION SITE WITH THE NATURE CONSERVANCY AS ASSIGNOR, MIAMI-DADE COUNTY AS ASSIGNEE, AND IRA S. SILVER, TRUSTEE, AS SELLER FOR A PURCHASE PRICE OF \$30,000.00; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONTAINED THEREIN (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation*

*Mover: Edmonson*

*Seconder: Suarez*

*Vote: 5-0*

**Report:** *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Hearing no comments or questions, the Committee members proceeded to vote on the foregoing proposed resolution, as presented.*

3F

## 131190 Resolution

Xavier L. Suarez,

Lynda Bell, Esteban L. Bovo, Jr., Jose "Pepe" Diaz, Dennis  
C. Moss, Sen. Javier D. Souto

RESOLUTION ACCEPTING TRANSFER OF MARIPOSA COURT ONTO THE MIAMI-DADE COUNTY SYSTEM OF ROADS; APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF CORAL GABLES FOR TRANSFER OF MARIPOSA COURT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAID AGREEMENT; AND RESCINDING RESOLUTION R-38-08 (Public Works & Waste Management)

*Forwarded to BCC with a favorable recommendation*

*Mover: Edmonson*

*Seconder: Suarez*

*Vote: 5-0*

**Report:** *Commissioner Suarez requested a Point of Order relating to his prior motion to defer this item. He noted Deputy Mayor Alina Hudak was requesting that the foregoing proposed resolution not be deferred.*

*It was moved by Commissioner Bell that the motion to defer be reconsidered. This motion was seconded by Commissioner Suarez, and upon being put to a vote, passed by a vote of 5-0.*

*Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

*Commissioner Suarez reiterated that he was visited by the affected property owners who had expressed concern regarding the construction and location of the proposed pedestrian overpass. He noted, however, if the County Administration needed the Committee to proceed with this proposal and it was not definite that the overpass would be located exactly on Mariposa Court, versus an alternate location, then the Committee could proceed with this resolution.*

*Deputy Mayor Alina Hudak said this was one step in a long process to begin building a pedestrian overpass that would cross U.S.1 from the University of Miami (UM) side of U.S.1 to the east side of U.S.1. She noted this was a critical step as it involved the transfer of the property where the overpass would land. Deputy Mayor Hudak advised that considerable time was spent working with the shopping center owners who were unwilling to allow the County to purchase property and this was the alternative solution. She noted the Administration had worked closely with UM and the City of Coral Gables, and it was her understanding that this was approved by the City.*

Deputy Mayor Hudak said the Administration would be happy to meet with all concerned parties, and requested that this proposed resolution be considered today to prevent it from being delayed during the summer recess.

Commissioner Suarez said that Attorney Simon Ferro had suggested a slightly different location closer to an administration building on one side of U.S. 1. He noted he would support this proposal if it did not impede Mr. Ferro's suggestion for an alternate site.

Deputy Mayor Hudak said this was the first time she was informed of an alternate site, and the Administration would be happy to meet with Mr. Ferro regarding his suggestion. She noted this proposal was the recommended solution from the Administration's perspective and they had worked closely with the City of Coral Gables to arrive at this solution. Deputy Mayor Hudak indicated that this location had been the site of fatalities and the County Commission had requested this overpass be built. She noted the Administration had worked hard to acquire grants and the proposed project was fully funded.

Chairman Diaz noted he supported this proposed resolution as he believed it would ensure the safety of people trying to cross a busy intersection.

Ms. Sarah Artecona, representing UM, 1320 South Dixie Highway, appeared in support of this proposed resolution. She noted a number of fatalities had occurred at the U.S. 1 intersection, including a Ponce de Leon Middle School student. Ms. Artecona said the Riviera Home Owners Association was supportive of this proposal. She noted the support of UM President Donna Shalala who was unable to address the Committee today due to a previous commitment. Ms. Artecona introduced Ms. Alexandria San Roman, representing the Executive Council, UM Student Government.

Ms. Alexandria San Roman, 1462 Siena Avenue, Coral Gables, representing UM Student Government, appeared in support of the foregoing proposed resolution. She expressed appreciation to the Committee members for this proposal, and particularly to Commissioner Suarez for sponsoring this item. Ms. San Roman said that UM Student Government would continue to work with UM, the City of Coral Gables, and Miami-Dade County to make this proposed pedestrian

overpass a reality. She noted since 1989 eight students had been killed or seriously injured crossing the U.S. 1 intersection, and over 3,000 signed petitions had been collected in support of this proposed overpass. Ms. San Roman said the overpass would be beneficial to UM students, UM affiliates, Ponce de Leon Middle School students and Metrorail riders.

Commissioner Suarez said he was thanked for sponsoring an item that he had intended to vote against. He noted, however, given the assurances the Committee received from the Administration that this did not exclude other solutions and in order to prevent delaying the process, he would vote in support of this proposed resolution. Commissioner Suarez said he was hopeful that with the Administration's willingness to meet with the property owners represented by Mr. Ferro, other alternatives would be considered.

Commissioner Diaz requested that any potential issues be resolved before this item was presented to the County Commission.

Deputy Mayor Hudak advised that federal funds were tied to this project and would be lost if the project was delayed.

Commissioner Jordan asked whether the current design of the proposed overpass was a compromise in order to ensure that the County was able to proceed with the project; and would this alternative solution still address the safety issues.

Deputy Mayor Hudak said that the design took the overpass outside the Shopping Center, noting this particular item allowed the pedestrian overpass to land immediately adjacent to the Shopping Center.

Chairman Diaz inquired and Deputy Mayor Hudak confirmed that all safety concerns were addressed by this alternative solution.

**4 COUNTY MAYOR**

**5 COUNTY ATTORNEY**

**6 CLERK OF THE BOARD**

6A

**131140 Report**

CLERK'S SUMMARY OF MEETING MINUTES FOR  
THE MAY 16, 2013 LAND USE AND DEVELOPMENT  
COMMITTEE MEETING (Clerk of the Board)

*Approved*  
*Mover: Edmonson*  
*Seconder: Suarez*  
*Vote: 5-0*

**Report:** *Assistant County Attorney Dennis Kerbel read the  
foregoing report into the record.*

*Hearing no comments or questions, the Committee  
members proceeded to vote on the foregoing  
report, as presented.*

**7 REPORTS**

**8 ADJOURNMENT**

**Report:** *There being no further business, the Land Use and  
Development Committee meeting was adjourned  
at 10:05 a.m.*